

MINUTES

TITLE: Environment & Planning Committee
DATE: Thursday, 20 May 2010
TIME: 9.30 am
VENUE: Council Chamber, 189 Queen Street, Richmond.

PRESENT: Crs M J Higgins (Chair), Crs S J Borlase, S G Bryant, R G Currie, B F Dowler, J L Edgar, B W Ensor, G A Glover, J L Inglis, T B King, T E Norriss, N Riley and E J Wilkins

IN ATTENDANCE: Policy Manager (S Markham), Regulatory Manager (J Hodson), Environmental Information Manager (R Smith), Resource Consents Manager (P Doole), Te Kahui Hauora o Ngati Koata Trust (M McMillan), Problem Gambling Foundation (P Townshend), Resource Scientist (T James), Regulatory Services Co-ordinator (G Caradus), Resource Scientist - Water (J Thomas), Policy Planner (N Jackson), Environmental Health Officer (T Waddington), Administration Officer (J A Proctor).

APOLOGIES

Moved Crs Currie / Glover
EP10-05-01

THAT apologies from Cr King for lateness and Mayor Kempthorne for absence be received.
CARRIED

The Chair tabled an addendum to the Environment & Planning Manager's report REP10-05-25 relating to the Waimea Inlet project. The Chair provided an explanation for its lateness and reason why the item should be dealt with at the meeting.

Moved Crs Borlase / Edgar
EP10-05-02

THAT the addendum to the Environment & Planning Manager's Report REP10-05-25 regarding the Waimea Inlet Project be accepted onto the agenda.
CARRIED

1. PUBLIC FORUM

Mr Inglis spoke on behalf of Mr Ted Birk of Goddard Road, regarding horse excrement on a neighbouring property that was causing a nuisance. Council staff present at the meeting advised that it was not an actionable public health issue and that the homeowner was co-operating with Council.

Mr Inglis stated that he had received a letter expressing disappointment that several trees had been cut down outside the Hope Domain.

Mr Say spoke on behalf of the Association of Blind Citizens and other visually impaired people regarding advertising boards on pavements in the Motueka area. Mr Say requested that Council enforce rules relating to the placement of boards and street furniture.

Cr Norriss arrived at the meeting at 9.43 am.

2. CONFIRMATION OF MINUTES

2.1 Tasman Resource Management Plan - Hearings 55 - 57

**Moved Crs Higgins / Currie
EP10-05-03**

THAT the minutes of the Tasman Resource Management Plan Hearings 55 - 57 held on 21 October 2008; 23 - 25 February 2009; and 12, 17 and 18 March 2009 be confirmed.

CARRIED

2.2 Environment & Planning Subcommittee Hearing - 23, 24 and 25 November 2009

**Moved Crs Currie / Inglis
EP10-05-04**

THAT the minutes of the Environment & Planning Subcommittee Commissioner Hearing, Gardens of the World, held on 23, 24 and 25 November 2009 be received.

CARRIED

2.3 Environment & Planning Subcommittee Development Contributions - 22 March 2010

**Moved Crs Norriss / Wilkins
EP10-05-05**

THAT the minutes of the Environment & Planning Subcommittee Development Contributions hearing of The Barn (Abel Tasman) Limited held on 22 March 2010 containing resolution EP10-03-01 be confirmed.

CARRIED

2.4 Environment & Planning Committee - 8 April 2010

**Moved Crs Inglis/Borlase
EP10-05-06**

THAT the minutes of the Environment & Planning Committee meeting held on 8 April 2010 containing resolutions EP10-04-01 to EP10-04-10, EP10-04-12 to EP10-04-15 be confirmed.

CARRIED

3. REPORTS

3.1 Chair's Verbal Report

The Chair spoke about the Department's work flow and his discussions with ratepayers regarding compliance issues and resource consent applications.

The Chair highlighted the importance of an item included in the Environment & Planning Manager's report related to water metering.

Moved Cr Norriss / Ensor
EP10-05-07

THAT the Chair's verbal report be received.
CARRIED

3.2 Regulatory Manager's Report - REP10-05-17

Regulatory Manager, Ms Hodson spoke to the report contained in the agenda.

The purpose of the quarterly report was to provide a summary of the key issues/items of interest in relation to the Regulatory section of the Environment & Planning Department. A statistical summary report on workload and timeframes over the first quarter of 2010 was attached; some comparisons to 2009 were also given.

Ms Hodson advised that the maritime and "freedom camping" reports would now be presented to the Environment & Planning Committee in July 2010.

In response to questioning, Ms Hodson advised that there were five claims lodged for the District with the Weathertight Homes Resolution Service.

Cr King arrived at the meeting at 10.00 am.

Councillors requested that staff provide a breakdown of registrations and stationary vehicle infringements, court costs and costs recovered.

Moved Crs Glover / Wilkins
EP10-05-08

THAT the Regulatory Manager's Report REP10-05-17 be received.
CARRIED

3.3 Review of Tasman District Council's Gambling Policy - REP10-05-15

Regulatory Services Co-ordinator, Mr Caradus spoke to the report contained in the agenda.

Mr Mathew McMillan from Te Kahui Hauora o Ngati Koata Trust and Dr Philip Townshend from Problem Gambling Foundation were in attendance. Dr Townshend gave a powerpoint presentation on "problem gambling". Dr Townshend applauded Council's efforts to date and stated that this new policy would reinforce its approach.

A discussion ensued regarding the recommended “sinking lid” policy; the rules relating to casinos and pokie machines; and self exclusion.

Cr King left the meeting at 10.36 am.

Cr King returned to the meeting at 10.38 am.

It was stated that a licence remained with the venue and not the owner of the venue.

The meeting adjourned at 10.40 am.

The meeting resumed at 11.00 am.

The Chair requested that Cr Edgar clarify her position with Tasman Fundraising and Development Limited. Cr Edgar stated that she did not have a conflict of interest and that her situation was no different to Council’s. Cr Edgar stated that she did not gain any money directly from any gaming machine lotteries or trusts nor was paid any commissions.

Dr Townshend and Mr McMillan were thanked for their assistance and presentation.

A discussion ensued regarding the significant monetary benefits received in the District from trusts associated with pokie machines and the impact the proposed policy may have.

**Moved Crs Glover / Borlase
EP10-05-09**

THAT the Environment & Planning Committee adopts The Draft Gambling venues Policy 2010 contained in Part 4 of this statement of proposal for notification to commence the consultative procedure as required by the Local Government Act 2002, the Gambling Act 2003 and the Racing Act 2003.

CARRIED

A show of hands was called for and the resolution was carried 7 vs. 4.

3.4 Approval of Zoning Mapua: Copp Land Report REP10-05-21

Policy Manager, Mr Markham spoke to the report contained in the agenda.

The purpose of the report was to advise the Committee on the approval of the rezoning of the site located at Pine Hill Heights (Copp).

**Moved Crs Borlase / Ensor
EP10-05-10**

THAT the Environment & Planning Committee approve the zoning of Rural Residential (Mapua) at Pine Hill Heights (P Copp site) on Planning Maps ZM 54, 86 and 87 to become operative under CI 20 Schedule 1 at the notification of Update 35 (expected to be 22 May 2010).

CARRIED

3.5 Variation 2 to Change 10: Plan Change 20: Eyebright Oak Tree - Report REP10-05-24

Policy Planner, Mr Jackson spoke to the report contained in the agenda.

The purpose of the report was to recommend protecting a large oak tree located on Lot 1 DP 315847, McShane Road.

Moved Crs Glover / Wilkins EP10-05-11

THAT the Environment & Planning Committee adopts the following amendments to the Historic Heritage section of Part 2 of the TRMP for notification as Proposed Variation 2 to Change 10:

- 1. Amend Schedule 16.13B by adding a new entry to the Richmond Ward list:
“T877; Category B; Species Quercus robor; 40 McShane Road; 193808900; map 124.”**
- 2. Amend Area Maps 57 and 124 by adding new protected tree on Lot 1 DP315847, McShane Road.**

CARRIED

3.6 Trading in Public Places Bylaw 2010 - REP10-05-23

Environmental Health Officer, Ms Waddington spoke to the report contained in the agenda.

The report was the final step in the bylaw making process that was necessary to update the Tasman District Council Consolidated Bylaw Chapter 6: Trading in Streets and Public Places 2005.

Ms Waddington advised that the issue raised in the public forum regarding advertising boards on streets was dealt with under the TRMP and Section 14 of the proposed bylaw.

A discussion ensued regarding the time allocated to buskers and the 30 minute period proposed was consistent with other bylaws around New Zealand.

The discussion was adjourned at 12.12 pm whilst staff sought further advice in relation to amending the proposed bylaw.

3.7 Environment & Planning Manager's Report - REP10-05-25

Policy Manager, Mr Markham spoke to the report contained in the agenda.

The purpose of the report was to provide the Committee with an update on various issues.

Resource Scientist Water, Mr Thomas talked about the ramifications of the Government's intention to introduce regulations requiring all water takes of five litres per second or more to be metered.

A discussion ensued regarding the impact and costs involved for the District due to the size of irrigation blocks and the method involved in calculating the threshold.

**Moved Crs King / Borlase
EP10-05-12**

**THAT Tasman District Council staff be directed to prepare an urgent letter from the Mayor addressed to the Minister and Ministry for the Environment in consultation with the Chair of the Environment & Planning Committee in regards to item one “Water Measuring Device Regulations” detailed in the Environment & Planning Manager’s Report REP10-05-25.
CARRIED**

The meeting adjourned at 12.39 pm.

The meeting resumed at 1.10 pm.

3.6(continued)Trading in Public Places Bylaw 2010 - REP10-05-23

Council staff provided advice to the Committee in respect of amending the bylaw.

A discussion ensued regarding public speaking and it was stated that it was preferable to have a “public speaking” bylaw.

**Moved Crs Wilkins / Currie
EP10-05**

THAT the Environment & Planning Committee adopts the “Draft Consolidated Bylaw Chapter 6: Trading in Public Places 2010” as attached in Appendix 1, to report REP10-05-23 and that the draft Bylaw be adopted by Tasman District Council and come into force on 1 July 2010.

An amendment was proposed.

**Moved Crs Norriss / King
EP10-05**

THAT the Environment & Planning Committee adopts the “Draft Consolidated Bylaw Chapter 6: Trading in Public Places 2010” as attached in Appendix 1 with the removal of Section 13 in its entirety, to report REP10-05-23 and that the draft Bylaw be adopted by Tasman District Council and come into force on 1 July 2010.

CARRIED

A discussion ensued relating to the proposed time limit imposed on buskers.

An amendment was proposed.

**Moved Crs Edgar / Dowler
EP10-05-13**

THAT the Environment & Planning Committee adopts the “Draft Consolidated Bylaw Chapter 6: Trading in Public Places 2010” as attached in Appendix 1 subject to the removal of Section 13 in its entirety and the following amendment:

12 (f) continue to occupy any place or site on a footpath or in any public place for longer than two hours, or after being requested by an Officer or Police Officer, to move to another place or site.

And;

THAT the draft Bylaw be adopted by Tasman District Council and come into force on 1 July 2010.

CARRIED

3.8 Summer 2009/2010 Recreational Water Quality Sampling Programme - REP10-05-16

Resource Scientist, Mr James spoke to the report contained in the agenda and tabled a graph.

The purpose of the report was to provide an update on the key results of bathing water quality monitoring at Tasman's 23 monitored beaches, swimming holes and water ski areas over the 2009/2010 summer.

**Moved Crs Norriss / Borlase
EP10-05-14**

THAT the Environment & Planning Committee make the nine amendments to the TRMP listed in the report REP10-05-22 as Change 19 in accordance with the attached schedule of amendments contained within report REP10-05-22.

CARRIED

3.9 Resource Consent Manager's Report - REP10-05-20

Resource Consent Manager, Mr Doole spoke to the report contained in the agenda.

The purpose of the report was to provide information relating to three items: (1) the two Recent High Court Judicial reviews regarding non-notification of resource consent applications; (2) the current schedule of appeals; (3) an update on the Government's intentions regarding the pending regulations for discounting resource consent processing fees when the statutory timeframes were exceeded.

In response to questioning, Mr Doole explained the process involved with appealing High Court decisions. He continued that staff had taken on board comments made by the Committee and were ensuring that decisions made to notify applications were recorded in great detail.

Staff were asked to provide the Committee with an update on the Garden Path Limited situation at the next meeting.

Cr Riley left the meeting at 1.51 pm.

**Moved Crs Norriss / Borlase
EP10-05-15**

THAT the Resource Consent Manager's Report REP10-05-20 be received.

CARRIED

3.10 Plan Change 19: Technical Amendments to TRMP - Report REP10-05-22

Policy Planner, Mr Jackson spoke to the report contained in the agenda.

The purpose of the report was to recommend a series of amendments to land rules intended to make the rules easier to use. There was no change to the purpose of any plan provision.

Amendment to page 62 point 3 (a) (xii) a home occupation.

Amendment to page 63 point 9 to read "Replace reference to 50mm *female thread coupling* with requirement...

In response to questioning, staff advised that they would use the term L_{10} or L_{eq} consistently.

Moved Crs Norriss / Borlase EP10-05-16

**THAT Environment & Planning Committee adopt the nine amendments to the TRMP listed in the report REP10-05-22 as Proposed Change 19 in accordance with the attached schedule of amendments contained within report REP10-05-22.
CARRIED**

3.7 (continued) Environment & Planning Manager's Report - REP10-05-25

Mr Markham resumed speaking to the report at item 2.

Staff were advised that a number of councillors had visited the Rototai Road Community Food Stall to gain a greater understanding of the situation.

Moved Crs Norriss / Ensor EP10-05-17

**THAT the Environment & Planning Committee agree pursuant to Regulation 6 of the Food Hygiene Regulations 1974 to grant a certificate of Exemption to Daniel Loytenburg and Kelvin McKenna (Ngang), trading as the Rototai Community Stall as detailed in Appendix 2 to report REP10-05-25.
CARRIED**

Council staff were requested to provide the Committee with a progress report relating to the mediation process for Richmond West appeals.

Environmental Information Manager, Mr Smith spoke to item 9 of the report.

Moved Crs Borlase / Wilkins EP10-05-18

**THAT the Environment & Planning Manager's report REP10-05-25 be received.
CARRIED**

Moved Crs Glover / Edgar
EP10-05-19

THAT Cr B Ensor replaces Cr S Bryant as a Tasman District Council representative on the Waimea Inlet Management Steering Group.
CARRIED

4. RESOLUTION TO EXCLUDE THE PUBLIC

Moved Crs Ensor / Currie
EP10-05-20

THAT the public be excluded from the following part(s) of the proceedings of this meeting.

Mapua Report REP10-05-27

The general subject of the matter while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for passing this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under Section 48(1) for the passing of this resolution
Mapua Report REP10-05-27	Good reason to withhold exists under section 7	Section 48(1)(d)

CARRIED

(Refer to Confidential Minute Book, resolutions numbers EP10-05-21 and EP10-05-22)

5. RESOLUTION TO RESUME PUBLIC MEETING

Moved Crs Inglis / Borlase
EP10-05-23

THAT public meeting be resumed.
CARRIED

The meeting concluded at 3.51 pm.

Date Confirmed:

Chair: